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27 **CITY OF MODESTO**

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36 Attorneys for Defendant
37 **CITY OF OAKDALE**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO COURTHOUSE

Plaintiff, BRANDON GRAY (“Plaintiff”), by and through his counsel of record, Defendant CITY OF MODESTO (“CITY”), by and through its counsel of record, Defendant CITY OF OAKDALE, by and through its counsel of record, and Defendant COUNTY OF STANISLAUS, by and through its counsel of record, hereby respectfully stipulate to continuing the initial mandatory scheduling conference for approximately three months, from February 24, 2022, at 9:30 a.m., until May 24, 2022, if that is acceptable and convenient for the Court.

Good cause exists for continuing the initial mandatory scheduling conference because counsel for Plaintiff, the City of Oakdale, and the City of Modesto are now in the process of exchanging documents and are actively engaged in early settlement discussions. Additionally, Plaintiff anticipates dismissing the County of Stanislaus shortly, having now received some documents, and in view of the expectation that more will be received soon; this dismissal will

1 render the County of Stanislaus's pending motion to dismiss, ECF Nos. 28, 28-1, moot.
2 Continuing the settlement conference while the parties attempt to resolve the matter early, in
3 good faith, will allow counsel for the parties to conserve the time involved in preparing a joint
4 scheduling report, as well as attending the conference, and will allow the Court to conserve the
5 time expended in holding the scheduling conference, and issuing a scheduling report.

6 The passage of time will not result in prejudice because the parties have learned there is
7 drone footage that captured the incident, which could also help facilitate settlement discussions,
8 there potentially is body worn camera footage, and there is a cellular phone video taken by a
9 bystander.

10 **IT IS SO STIPULATED.**

12 Respectfully submitted,

13 Dated: February 17, 2022

14 ALLEN, GLAESSNER,
HAZELWOOD & WERTH, LLP

15 By: /s/ Patrick D. Moriarty*
16 PATRICK D. MORIARTY
17 JOHN B. ROBINSON
18 Attorneys for Defendant
CITY OF MODESTO

19 Dated: February 17, 2022

20 THE LAW OFFICE OF SANJAY S. SCHMIDT

21 By: /s/ Sanjay S. Schmidt
22 SANJAY S. SCHMIDT
23 Attorneys for Plaintiff
BRANDON GRAY

24 Dated: February 17, 2022

25 FERGUSON, PRAET & SHERMAN

26 By: /s/ Bruce D. Praet*
27 BRUCE D. PRAET
28 Attorneys for CITY OF OAKDALE
Defendants

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//

1 Dated: February 17, 2022

2 PORTER SCOTT
3 A PROFESSIONAL CORPORATION

4 By: /s/ John R. Whitefleet*

5 Attorneys for Defendant COUNTY OF
6 STANISLAUS

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8 *Mr. Moriarty, Mr. Praet, and Mr. Whitefleet gave their consent to file this document via
9 CM-ECF.

10 **ORDER**

11 The Court, having reviewed the parties' stipulation and request, and good cause
12 appearing, finds and orders as follows:

13 The Scheduling Conference is HEREBY CONTINUED to **May 31, 2022, at 8:30 AM in**
14 **Courtroom 8 (BAM) before Magistrate Judge Barbara A. McAuliffe.** The parties shall file a
15 Joint Scheduling Report one week prior to the conference. The parties shall appear at the
16 conference remotely with each party connecting either via Zoom video conference or Zoom
17 telephone number. The parties will be provided with the Zoom ID and password by the
18 Courtroom Deputy prior to the conference. The Zoom ID and password are confidential and are
19 not to be shared. Appropriate court attire required.

20
21 IT IS SO ORDERED.

22 Dated: February 17, 2022

23 /s/ Barbara A. McAuliffe

24 UNITED STATES MAGISTRATE JUDGE